

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

CHELSEA RUTTER, individually and behalf
of all others similarly situated,

Plaintiff,

v.

BRIGHT HORIZONS FAMILY
SOLUTIONS, INC. d/b/a BRIGHT
HORIZONS CHILDREN'S CENTERS, INC.,

Defendant.

NO. 2:23-cv-00233-TL

**STIPULATED MOTION TO
EXTEND CASE DEADLINES**

**NOTED FOR CONSIDERATION:
July 24, 2023**

I. STIPULATED MOTION

The parties, by and through counsel, stipulate and agree as follows:

1. On December 1, 2022, Plaintiff Chelsea Rutter filed this proposed class action in King County Superior Court. *See* ECF No. 1-1.

2. On February 21, 2023, Defendant Bright Horizons timely removed the case to this Court. ECF No. 1.

3. On February 28, 2023, Defendant filed a motion to dismiss. ECF No. 7. Plaintiff filed a response, ECF No. 11, and Defendant filed a reply, ECF No. 12. The motion was originally noted to be considered on March 24, 2023, and later renoted twice, with the motion ultimately being ready for consideration on April 7, 2023. *See* ECF Nos. 7, 9, & 10.

1 4. The parties held a Rule 26(f) conference on March 21, 2023. *See* ECF No. 16. In
2 that conference, the parties discussed a case schedule that assumed the motion to dismiss would
3 be resolved within a few weeks of the noting date.

4 5. On April 20, 2023, the parties filed their Joint Status Report. ECF No. 16. On the
5 same date, Defendant formally objected to Plaintiff's first set of discovery requests, asserting the
6 requests were premature and burdensome in light of the pending motion to dismiss Plaintiff's
7 claims.

8 6. On June 16, 2023, the Court entered a scheduling order, adopting the dates
9 requested in the parties' Joint Status Report. ECF No. 20. In that order, the Court stated that
10 "[d]iscovery responses are due twenty-one (21) days after the entry of an order on the pending
11 Motion to Dismiss (Dkt. No. 7)." *Id.* at 2 n.1. The Court's order thus effectively stayed discovery
12 until a ruling is issued on the motion to dismiss.

13 7. As of the date of filing this stipulation, no ruling has been issued by the Court on
14 the motion to dismiss. As a result, Defendant has not responded to discovery (aside from its
15 objections that such discovery was premature) and has not produced any documents.

16 8. Under the current case schedule, Plaintiff's motion for class certification is due to
17 be filed on September 7, 2023. Good cause exists to extend this and all other case deadlines so
18 that the parties have sufficient time to conduct discovery and prepare to brief class certification
19 after the Court rules on the motion to dismiss.

20 9. Because the parties cannot anticipate when the Court will rule on the motion to
21 dismiss, the parties request that the Court strike all current case deadlines pending such ruling
22 and order the parties to submit a new proposed case schedule within 14 days of the Court issuing
23 a ruling on the motion.

24 10. Alternatively, if the Court is not amenable to striking the case deadlines, the
25 parties request that all case deadlines be extended by approximately 120 days, as follows:
26
27

Event	Current Deadline	Proposed Deadline
Deadline for filing amended pleadings	8/11/2023	12/8/2023
Plaintiff's Motion for Class Certification filed by	9/7/2023	1/4/2024
Defendant's Response to Plaintiff's Motion for Class Certification filed by	9/29/2023	1/26/2024
Plaintiff's Reply in Support of Motion for Class Certification filed by	10/13/2023	2/9/2024
Disclosure of expert testimony under FRCP 26(a)(2) due	11/13/2023	3/11/2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2) due	12/13/2023	4/10/2024
All motions related to discovery must be filed by	12/13/2023	4/10/2024
Discovery completed by	1/10/2024	5/8/2024
All dispositive motions and motions challenging expert witness testimony must be filed by this date (see LCR 7(d))	2/8/2024	6/6/2023
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	3/11/2024	7/8/2023
Mediation per LCR 39.1, if requested by the parties, held no later than	4/11/2024	8/8/2024
All motions in limine must be filed by	5/6/2024	9/3/2024
Agreed LCR 16.1 Pretrial Order due	5/20/2024	9/16/2024
Trial briefs, proposed voir dire questions, and proposed jury instructions due by this date. Counsel are to confer and indicate with their submissions which exhibits are agreed to.	5/24/2024	9/20/2024
Pretrial Conference scheduled for 1:00 p.m. on	5/31/2024	9/27/2024
Jury Trial Set for 9:00 A.M.	6/10/2024	10/7/2024

STIPULATED TO AND DATED this 24th day of July, 2023.

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~~PROPOSED~~ ORDER

Based on the foregoing, IT IS SO ORDERED. The Court strikes the current case schedule and orders the parties to submit a new proposed schedule within 14 days of the Court's ruling on the motion to dismiss.

DATED: July 24, 2023



Tana Lin
United States District Judge